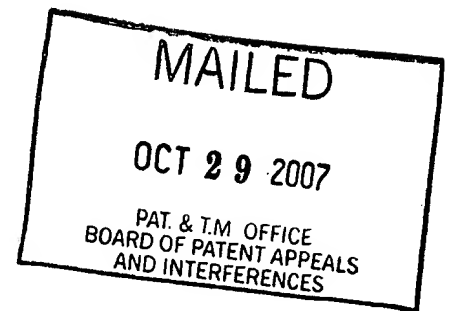


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte: JIGISH D. TRIVEDI

Application 08/915,658



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on October 22, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER

Grounds of Rejection, Incorporation By Reference

On April 10, 2006, an Examiner's Answer was mailed in response to the Appeal Brief received September 6, 2005. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). The section entitled "Grounds of Rejection" states:

The following ground(s) of rejection are applicable to the appealed claims:
See the contents of the final rejection dated 04/04/05.

Incorporation of a rejection by reference is improper. According to the MPEP

§ 1207.02:

An examiner's answer should not refer, either directly or indirectly, to any prior Office action without fully restating the point relied on in the answer.

Accordingly, it is ORDERED that the application is returned to the Examiner:

Application 08/915,658

1. to vacate the Examiner's Answer mailed April 10, 2006, and issue a revised Examiner's Answer in accordance with MPEP § 1207.02, and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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